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See to 5/17
Box 500

PATENT

Attorney Docket No. 32301WD216

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)

Brigitte BATHE, et al.)

Examiner: To Be Assigned

Serial No. : 09/942,935)

Group Art Unit: 1645

Filed: August 31, 2001)

For : NUCLEOTIDE SEQUENCES CODING FOR THE sigM GENE

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF NON-PROVISIONAL
APPLICATION, FILED UNDER 37 C.F.R. 1.53(b)**

Attn.: Box Missing Parts
Asst. Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Notice to File Missing Parts of Application mailed November 2, 2001, Applicants submit herewith the following documents relating to the above-captioned patent application:

- A copy of the Notice to File Missing Parts of Application;
- Executed Declaration and Power of Attorney;
- Assignment Recordation Cover Form attached w/ executed Assignment;
- Preliminary Amendment;
- Sequence Listing Submission Statement;
- Sequence Listing with computer-readable disk;
- Request for Corrected Filing Receipt attached w/ copy of OFR marked with corrections in red; and
- Check for \$1,258.00.

The check in the amount of \$1,258.00 enclosed is to cover the following fees:

Basic Filing Fee:	\$ 740.00 (large entity)
Add'l Claim Fee:	\$ 180.00 (10 additional claims over 20)
Add'l Ind. Claim Fee:	\$ 168.00 (2 additional ind. claims over 3)
Surcharge:	\$ 130.00
Recordation Fee:	\$ 40.00
TOTAL:	\$1,258.00

If any additional fees are due in connection with this filing, such as fees under 37 C.F.R. §§ 1.16 or 1.17, the Commissioner is authorized to charge the fees to SGR Deposit Account No. 02-4300; Order No. 032301.216. Similarly, please credit any overpayment to SGR Deposit Account No. 02-4300.

Respectfully submitted,

SMITH, GAMBRELL & RUSSELL, LLP

By:  45,338

Robert G. Weilacher, Reg. No 20,531
1850 M Street, N.W., Suite 800
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Telephone: (202) 659-2811
Facsimile: (202) 263-4329

Dated: December 10, 2001



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/942,935	08/31/2001	Brigitte Bathe	32301WD216

SMITH, GAMBRELL & RUSSELL, LLP
SUITE 800
1850 M STREET, N.W.
WASHINGTON, DC 20036



CONFIRMATION NO. 8953

FORMALITIES LETTER



OC000000007017130

Date Mailed: 11/02/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

12/13/2001 EABUDAX1 00000041 09942935

FILED UNDER 37 CFR 1.53(b)

01 FC:101	740.00 OP
02 FC:102	168.00 OP
03 FC:103	180.00 OP
04 FC:105	130.00 OP

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$340.
 - \$180 for 10 total claims over 20.
 - \$160 for 2 independent claims over 3.
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$1180.
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



PATENT

Attorney Docket No. 32301WD216

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)
)
Brigitte BATHE, et al.) Examiner: To Be Assigned
)
Serial No. : 09/942,935) Group Art Unit: 1645
)
Filed: August 31, 2001)
For : NUCLEOTIDE SEQUENCES CODING FOR THE sigM GENE

REQUEST FOR CORRECTED FILING RECEIPT

Attn: Box Missing Parts
Asst. Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants respectfully request that a corrected Filing Receipt be issued showing the following corrections:

Please add the following information in the **Foreign Applications** section:

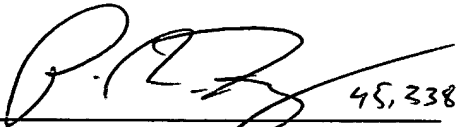
101 36 984.4 GERMANY 07/28/2001

Please do not hesitate to contact the undersigned attorney if there are any questions regarding this request for correction to the Official Filing Receipt.

Respectfully submitted,

SMITH, GAMBRELL & RUSSELL, LLP

By:

 45,338

Robert G. Weilacher, Reg. No. 20,531
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Dated: December 10, 2001



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/942,935	08/31/2001	1645	0.00	32301WD216	2	30	5

SMITH, GAMBRELL & RUSSELL, LLP
SUITE 800
1850 M STREET, N.W.
WASHINGTON, DC 20036



CONFIRMATION NO. 8953

FILING RECEIPT



OC000000007017129

Date Mailed: 11/02/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Brigitte Bathe, Salzkotten, GERMANY;
Christine Bastuck, Bielefeld, GERMANY;
Mike Farwick, Bielefeld, GERMANY;
Thomas Hermann, Bielefeld, GERMANY;
Walter Pfefferle, Halle, GERMANY;

Domestic Priority data as claimed by applicant

Foreign Applications

Insert GERMANY 100 43 337.5 09/02/2000
Germany 101 36984.4 July 28, 2001

If Required, Foreign Filing License Granted 10/02/2001

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

Title

Nucleotide sequences coding for the sigM gene

Preliminary Class

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).